

**PURGED**

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ORANGE CO., C.S.C.  
BY *JW*

Return to: Anne Marie Tosco, Associate Attorney, Orange County, P.O. Box 8181,  
Hillsborough, North Carolina 27278

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

ORANGE COUNTY

SUPERIOR COURT DIVISION

17 CVS 234

ORANGE COUNTY, a North Carolina County,	)	<b>FINAL CONSENT JUDGEMENT</b> (EMINENT DOMAIN ACTION)
Plaintiff,	)	<b>(N.C. Gen. Statutes Chapter 40A – 54)</b>
v.	)	
Glenbrooke Homeowners Association,	)	
Defendants.	)	

This cause came to be heard before the undersigned Superior Court Judge, upon a joint motion by the parties for final judgment pursuant, and it further appearing to the Court and the Court finding as fact that:

1. This action was duly instituted on February 20, 2017, by the issuance of summons and the filing of a Complaint, Declaration of Taking, and Notice of Deposit, along with the deposit into the Court of eight hundred and forty dollars and sixteen cents (\$840.16), the sum estimated by Plaintiff to be just compensation for the taking of the Defendant's property described in the Complaint, Declaration, and Notice, which property is described hereinafter as "the condemned property."
2. This condemnation action is taken by Orange County ("County") to promote the public safety and welfare, to provide for construction and installation of a sanitary sewer line for the Historic Rogers Road area of Orange County, North Carolina.

3. Not less than 30 days prior to the filing of the complaint, Plaintiff provided notice required in the manner set forth in G.S. §40A-40.
4. Summons, together with a copy of the Complaint, Declaration, and Notice, were duly served upon the Defendant, who represents all the parties having or claiming to have an interest in the property.
5. There are no issues in dispute concerning authorization to condemn, necessary parties, title to the land, or area taken, or just compensation.
6. All parties have agreed to final disposition of this matter on the terms described in this Consent Judgment.
7. Defendant has granted the Plaintiff a sanitary sewer easement for the Historic Rogers Road Sanitary Sewer Expansion Project, recorded in Deed Book 6273, Page 536, and Plaintiff shall pay Defendant eight hundred and forty dollars and sixteen cents (\$840.16), the amount of just compensation estimated for the sanitary sewer easement.

**WHEREUPON, THE COURT CONCLUDES AS A MATTER OF LAW THAT:**

1. Plaintiff Orange County was entitled to acquire by condemnation and did acquire the condemned property.
2. The sum of eight hundred and forty dollars and sixteen cents (\$840.16) is just compensation for the condemned property acquired by Plaintiff by eminent domain.
3. These proceedings, as far as is disclosed by the pleadings, are regular in all respects, and no reason exists not to enter final judgment.

**NOW THEREFORE, IT IS ADJUDGED AND ORDERED that:**

1. Final judgement is hereby entered.
2. Plaintiff, Orange County, on February 20, 2017, by the filing of a Complaint, Declaration of Taking, and Notice of Deposit, was permanently vested with title to the CONDEMNED PROPERTY, located in Orange County, North Carolina and identified by PIN 9870-61-3795 and further described as follows:

**DESCRIPTION OF THE SANITARY SEWER UTILITY EASEMENT**

Being part of the property as recorded in Deed Book 1982 at Page 135, Orange County Registry, containing 21,004 square feet as described in the Deed of Easement recorded in Deed Book 6273 at Page 536 and attached map prepared by Jeffrey S. Munn, for Orange County entitled "Sewer Easement"

Exhibit Prepared for Orange Water & Sewer Authority Property of Glenbrooke Homeowners Association" dated February 29, 2016.

3. The PROPERTY INTEREST taken is a perpetual a sanitary sewer utility easement for the Historic Rogers Road Sanitary Sewer Expansion Project, with all the rights, privileges and appurtenances belonging thereto.
4. The LAND AFFECTED is the real property located in Orange County, North Carolina, identified by PIN 9870-61-3795 and further described as follows:

Being all of the property as recorded in Deed Book 1982 at Page 135, Orange County Registry, North Carolina; containing 4.02 acres as shown in the Geographic Information System for Orange County, and on the map prepared by Jeffrey S. Munn, for Orange County entitled "Sewer Easement Exhibit Prepared for Orange Water & Sewer Authority Property of Glenbrooke Homeowners Association" dated February 29, 2016, and attached to the Deed of Easement recorded in Deed Book 6273 at Page 536.

5. The amount of just compensation for the property to be paid to Defendant is eight hundred and forty dollars and sixteen cents (\$840.16).
6. The deposit shall be disbursed by the Clerk of Court as follows: eight hundred and forty dollars and sixteen cents (\$840.16) payable to Glenbrooke Homeowner's Association, located at 320 Sylvan Way, Chapel Hill, North Carolina, 27516.
7. Plaintiff shall cause to be recorded a copy of this Consent Judgment with the Register of Deeds in any county in which the subject premises are located.

**IN TESTIMONY WHEREFORE**, the parties have hereunder set their hands and seals.

This is the 1<sup>ST</sup> day of May, 2017.

Sandra D. H. Ell  
Superior Court Judge Presiding

We consent:

Anne Marie Tosco  
Attorney for Plaintiff

Glenbrooke Homeowners  
Association, Defendant

By: William Sieredzki, President